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7 YOTTA TECHNOLOGIES INC.,
8 Plaintiff,
9 v.
10 EVOLVE BANK & TRUST,
11 Defendant.

Case No. 24-cv-06456-TLT (TSH)

DISCOVERY ORDER

Re: Dkt. No. 62

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13 The parties have a dispute about whether discovery should be stayed while Evolve's
14 motion to dismiss remains pending. ECF No. 62. Evolve proposes that discovery should be
15 stayed until 30 days after a ruling on its motion to dismiss the First Amended Complaint.

16 This is one of those times when the case schedule answers the question. Under the current
17 case schedule, fact discovery closes on December 19, 2025. ECF No. 35. Evolve's motion to
18 dismiss is noticed for a hearing on October 28, 2025. ECF No. 65. If Evolve's motion is decided
19 on the same day the hearing takes place, then under its proposal, discovery would be unstayed on
20 November 27, then close 22 days later. That's obviously unworkable. Accordingly, Evolve's
21 motion to stay discovery is **DENIED**.

22 Separately, Plaintiff offers a compromise proposal in which Evolve would produce certain
23 categories of documents while the motion to dismiss is pending, and Plaintiff requests that the
24 close of fact discovery be extended to eight months after the motion to dismiss is ruled on.
25 However, any requests to change the case schedule must be directed to Judge Thompson.

26 In addition, Evolve requests leave to file a motion for a protective order. While the Court's
27 Discovery Standing Order does not contemplate formal discovery motions, if Evolve wants to
28 argue for a protective order, the parties should file a joint discovery letter brief in which they set

1 forth their respective arguments.

2 **IT IS SO ORDERED.**

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4 Dated: July 10, 2025

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6 THOMAS S. HIXSON
7 United States Magistrate Judge

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United States District Court
Northern District of California